



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.D.

Meeting Date: January 15, 2019

Submitted to: Honorable Mayor and Members of the City Council

Department: City Manager's Office

Staff Contact: Kristen Steinke, City Attorney

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Item Title: RESOLUTION DESIGNATING SPECIAL ENFORCEMENT COUNSEL FOR ELECTION AND CAMPAIGN FINANCE CONTROL

Recommended Action: Adopt Resolution Appointing Attorney Holly O. Whatley as Special Enforcement Counsel for Election and Campaign Finance Control.

Summary:

This Resolution designates Attorney Holly O. Whatley as Special Enforcement Counsel for Election and Campaign Finance Control. Ms. Whatley will serve as the Enforcement Officer under Lemon Grove Municipal Code ("LGMC") Chapter 9.08 and shall be tasked with all duties and responsibilities outlined in that Chapter, including, investigation of any complaints of campaign finance violations.

Discussion:

During the last election, it came to the attention of the City Clerk and the City Attorney that violations of LGMC Chapter 9.08 (Election and Campaign Finance Control) may have occurred based on evidence directly received by the City Clerk and discussed with the City Attorney. Both the City Clerk and City Attorney believe that this evidence triggers a duty for the Clerk and Attorney to request the appointment of a Special Enforcement Counsel to review and investigate the matter. If the recommended appointment is approved, a complaint will be filed with the Special Counsel immediately regarding the acts that are believed to be violation of Chapter 9.08. Section 9.08.050 (Enforcement Authority) states as follows:

- A. The enforcement authority, appointed by the City Council, shall enforce the provisions of this chapter.
- B. Any person who believes that a violation of any portion of this chapter has occurred may file a complaint with the enforcement authority by depositing such complaint in the office of the city clerk. The city clerk shall forward the

complaint to the enforcement authority within three working days. If the enforcement authority determines that there is reason to believe a violation of this chapter has occurred, it shall make an investigation. Whenever the enforcement authority has reason to believe a willful violation of this chapter has occurred or is about to occur, it may institute such legal action at such time as it deems necessary to prevent further violations.

- C. The enforcement authority shall have such investigative powers as are necessary for the performance of the duties prescribed in this chapter and may demand records of campaign contributions and expenses at any time.
- D. The enforcement authority shall determine whether required statements and declarations have been filed as required, and, if so, whether they conform with the requirements of this chapter.
- E. The enforcement authority may enforce this chapter using civil, administrative, or criminal remedies in its discretion. The enforcement authority may seek administrative remedies pursuant to Chapter 1.24 of the Lemon Grove Municipal Code. (Ord. 406 § 3, 2011).

If the recommended appointment is approved the Special Counsel will have independent authority as laid out in LGMC Section 9.08.050.

Attorney Holly O. Whatley is well versed in elections law and has a notable background in handling cases that require the technical knowledge necessary to enforce these laws. She will provide the City with impeccable service and the utmost professionalism in resolving any election violation claims.

The enforcement of campaign laws is an important part of our democratic process. The use of donations above the legal limit can have a significant impact on the outcome of an election. Failure to enforce can send a message to future candidates that the campaign limits can be ignored.

Environmental Review:

- | | |
|------------------------------------------------------------------------|---------------------------------------------------------|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section [] | <input type="checkbox"/> Mitigated Negative Declaration |

Fiscal Impact: None.

Public Notification: None.

Attachments:

Attachment A – Resolution Appointing Attorney Holly O. Whatley as Special Enforcement Counsel for Election and Campaign Finance Control.

RESOLUTION NO. 2019-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, APPOINTING HOLLY O. WHATLEY AS SPECIAL
ENFORCEMENT COUNSEL FOR ELECTION AND CAMPAIGN FINANCE
CONTROL**

WHEREAS, the City Council desires to appoint Special Counsel to handle complaints for violations of election and campaign finance laws codified in Chapter 9.08 of the Lemon Grove Municipal Code; and

WHEREAS, the City Council desires to appoint Attorney Holly O. Whatley as Special Enforcement Counsel for Election and Campaign Finance Control.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California, hereby appoints Attorney Holly O. Whatley as Special Enforcement Counsel for Election and Campaign Finance Control for the City of Lemon Grove.

PASSED AND ADOPTED on _____, 2019, the City Council of the City of Lemon Grove, California, adopted Resolution No. _____, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Raquel Vasquez, Mayor

Attest:

Shelley Chapel, MMC, City Clerk

Approved as to Form:

Kristen Steinke, City Attorney